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Deutsche Bank National Trust Company, as Trustee for Holders of the BCAP LLC Trust 2007-AA3
Attorneys for Secured Creditor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

REGAL PROPERTY HOLDINGS, INC.,

RICHARD N. ROBERTS and JANE S.
ROBERTS,

Debtors.

Case No.: BK-S-13-13969-BTB
Chapter 11

Joint Administration With:
Case No.: BK-S-13-13968-BTB

OBJECTION TO CONFIRMATION OF DEBTORS' PLAN OF REORGANIZATION

COMES NOW Deutsche Bank National Trust Company, as Trustee for Holders of the BCAP LLC Trust 2007-AA3 ("Secured Creditor") and files this objection to confirmation of debtors' plan of reorganization, stating as follows:

Secured Creditor is the first deed of trust holder on 532 Tuscany View Street, Las Vegas, NV 89145 ("Subject Property"), and was owed \$94,840.36 at the time the bankruptcy petition was filed. On or about January 18, 2007, the debtors entered into a note agreement in the amount of \$435,000.00. The note is secured by a deed of trust against the Subject Property.

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On July 19, 2013, the debtors filed their proposed plan. Secured Creditor objects to the proposed treatment. Secured Creditor is identified as Class 3 and the debtors propose that Secured Creditor's claim will be paid \$94,840.36 at 4.75% for 30 years.

Secured Creditor objects to the proposed interest rate of 4.75% as it is not adequate based on the debtors' risk factors and considering the original interest rate was 6.5%. *See, Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). Secured Creditor submits that an interest rate of 5.25% is more appropriate because the standard for interest rate is the prime rate plus a risk factor. The prime rate is currently 3.25% and an appropriate risk factor of 2.0% is appropriate. An interest rate of 5.25% would be consistent with the interest rate in other similar cases.

Furthermore, the automatic stay should be vacated upon confirmation so that if the debtor fails to make post-confirmation payments, the Secured Creditor may proceed with its foreclosure rights pursuant to the deed of trust and state law without further court involvement.

Pursuant to 11 USC 1129(a)(8), this court can only confirm a plan if a class has accepted the plan or that class is not impaired under the plan. Secured Creditor is impaired under the plan and has not accepted the plan. Therefore, this court cannot confirm the proposed plan. The plan also fails to satisfy the requirements of 11 USC 1129(10) because Secured Creditor is unaware of any impaired class that has accepted the plan.

DATED this 13 day of December 2013.

TIFFANY & BOSCO, P.A.

/s/ Gregory L. Wilde, Esq.

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Deutsche Bank National Trust Company, as Trustee for Holders of the BCAP LLC Trust 2007-AA3
13-72972

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

BK-S-13-13968-btb

Richard N. Roberts and Jane S. Roberts

Chapter 11

Debtors.

CERTIFICATE OF MAILING

1. On December 13, 2013, I served the following documents(s):

OBJECTION TO CONFIRMATION OF DEBTORS' PLAN OF REORGANIZATION

2. I served the above-named document(s) by the following means to the persons as listed below:

■ **a. ECF System**

The Schwartz Law Firm
bryan@schwartzlawyers.com
Attorney for Debtors

U.S. Trustee - LV - 11
ustpreion17.lv.ecf@usdoj.gov
Trustee

■ **b. United States mail, postage fully prepaid**

Richard N. Roberts and Jane S. Roberts
4750 N. Jensen Street
Las Vegas, NV 89129
Debtors

- **c. Personal Service** (List persons and addresses. Attach additional paper if necessary)

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ **d. By direct mail (as opposed to through the ECF System)**

(List persons and email addresses. Attach additional paper if necessary)

Based upon the written assignment of the parties to accept service by email or a court order. I caused the document(s) to be sent to the persons at the mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **e. By fax transmission** *(List persons and fax numbers. Attach additional paper if necessary)*

Based upon the written assignment of the parties to accept service by fax transmission or a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

(A declaration by the messenger must be attached to this Certificate of Service).

I declare under penalty of perjury that the foregoing is true and correct.

Signed on (date): December 13, 2013

Jennifer L. Reedy

DECLARANT

SIGNATURE OF DECLARANT

